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House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, September 6, 1995, at 12 noon.

Senate

TUESDAY, SEPTEMBER 5, 1995

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God of new beginnings, who makes all things new and fills us with newness of life, we thank You for the fresh start as we begin this fall season of the Senate. We trust You, Lord, to guide and provide. Give us viable hope and vibrant expectancy as we confront old problems and unresolved issues. We need You, Father. Our own strength, ability, experience, and training are inadequate for times like these. Give us a vision of what we could be and do, if, in total trust in You, we receive Your wisdom, knowledge, insight, and inspiration. Fill us with Your spirit and make us courageous leaders in the conflict of these days.

We pray that our trust in You may give us greater trust in one another. Make us trustworthy as we seek Your best for our Nation. Free us of defensiveness and suspicion of those who may not share our party loyalties or political persuasions. Bind us together in the oneness of a shared commitment to You, a passionate patriotism, and a deep dedication to find creative solutions in the concerns that confront us and often divide us.

Bless the women and men of this Senate as they place their ultimate trust in You, and are faithful to the trust placed in them by the people of this Nation. In our Lord's name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, this morning the Senate will immediately resume consideration of the Department of Defense authorization bill under the agreement reached prior to the recess. Senators should be aware that a rollcall vote will occur at 5 p.m. this afternoon on passage of the Department of Defense appropriations bill. That rollcall vote will be the first rollcall vote of the day, but further rollcall votes can be expected this evening because the leader is hopeful that we will be able to complete action on the defense authorization bill before the day is over.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1026, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Brown amendment No. 2125, to clarify restrictions on assistance to Pakistan.

Mr. THURMOND. Mr. President, I want to advise all Senators that the Senate is on the Defense authorization bill, and the unanimous-consent agreement we propounded before adjourning on August 11 requires us to remain on this bill until all debate is completed and we have a final vote. This bill is essential to our national security and must be passed today.

Let me start the discussion by alerting everyone of today's plans.

First, from now until 5 p.m. we plan to debate those amendments that are in order under the unanimous-consent agreement of August 11.

Second, we plan to stack the votes on those amendments and dispose of them immediately after the vote on the Defense appropriations bill scheduled for 5 p.m. today.

Third, after the stacked votes, we plan to proceed to consideration of the bipartisan missile defense amendments. This debate is scheduled for 3 hours. When that debate concludes, we plan to vote on the amendment and then vote on the bill itself.

This means all amendments that are in order under the unanimous-consent agreement should be raised and debated prior to 5 p.m. today to ensure

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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they are given appropriate consideration. If amendments are not offered early, they may have to wait until after 9 p.m. this evening. Keep in mind that the unanimous-consent agreement we are operating under states that we will not adjourn or recess until final vote is taken on the authorization bill.

Mr. President, I ask my colleagues to come forward with their amendments, limit debate, and work toward a timely vote on this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that I can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2427

(Purpose: To revise the applicability of the Atomic Energy Community Act of 1955 to Los Alamos, NM)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. BINGAMAN), for himself and Mr. DOMENICI, proposes an amendment numbered 2427.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 570, between lines 10 and 11, insert the following:

SEC. 3168. APPLICABILITY OF ATOMIC ENERGY COMMUNITY ACT OF 1955 TO LOS ALAMOS, NEW MEXICO.

(a) DATE OF TRANSFER OF UTILITIES.—Section 72 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2372) is amended by striking out “not later than five years after the date it is included within this Act” and inserting in lieu thereof “not later than June 30, 1998”.

(b) DATE OF TRANSFER OF MUNICIPAL INSTALLATIONS.—Section 83 of such Act (42 U.S.C. 2383) is amended by striking out “not later than five years after the date it is included within this Act” and inserting in lieu thereof “not later than June 30, 1998”.

(c) RECOMMENDATION FOR FURTHER ASSISTANCE PAYMENTS.—Section 91 of such Act (42 U.S.C. 2391) is amended—

(1) by striking out “, and the Los Alamos School Board;” and all that follows through “county of Los Alamos, New Mexico” and inserting in lieu thereof “; or not later than June 30, 1996, in the case of the Los Alamos School Board and the county of Los Alamos, New Mexico”; and

(2) by adding at the end the following new sentence: “If the recommendation under the preceding sentence regarding the Los Alamos School Board or the county of Los Alamos, New Mexico, indicates a need for further as-

sistance for the school board or the county, as the case may be, after June 30, 1997, the recommendation shall include a report and plan describing the actions required to eliminate the need for further assistance for the school board or the county, including a proposal for legislative action to carry out the plan.”.

(d) CONTRACT TO MAKE PAYMENTS.—Section 94 of such Act (42 U.S.C. 2394) is amended—

(1) by striking out “June 30, 1996” each place it appears in the proviso in the first sentence and inserting in lieu thereof “June 30, 1997”; and

(2) by striking out “July 1, 1996” in the second sentence and inserting in lieu thereof “July 1, 1997”.

Mr. BINGAMAN. Mr. President, the amendment that I am offering on behalf of myself and Senator DOMENICI is a modification of the amendment that we originally filed, amendment No. 2159. We have made several modifications in the original amendment to accommodate the desires of the managers on both sides to speed the day that assistance payments to Los Alamos County and its school board can be brought to a mutually agreeable conclusion.

Mr. President, the amendment would extend assistance payments under the Atomic Energy Community Act to Los Alamos County and the Los Alamos School Board for 1 year, until June 30, 1997. It would require a report from the Department of Energy by June 30, 1996 on how and whether a plan could be drawn up to end these payments at that time.

The original amendment would have had a 2-year extension. The pending amendment would also require the utilities and municipal installations now run by Department of Energy be transferred to the county by June 30, 1998, instead of June 30, 2001, as in the original amendment.

Mr. President, the two Los Alamos governmental entities are the last remaining recipients of payments under the Atomic Energy Community Act of 1954. That law originally encompassed the Hanford area and the Oak Ridge area in Tennessee as well. When those communities ceased to receive payments under the act, substantial settlements were reached with the communities to put them on a firm financial footing.

Senator Jackson and Senator Magnuson won approval of an amendment of a settlement for the Hanford communities in the late 1970's. Senator Howard Baker, then the majority leader, spearheaded the Oak Ridge settlement in the early 1980's during the Reagan defense buildup when defense funds were plentiful.

Mr. President, unfortunately, the Los Alamos community and DOE did not reach agreement at that time on a transition plan. The Department of Energy told Congress in a 1986 report that the existing arrangement should be continued. So Senator DOMENICI and I in 1986 offered an amendment extending the payment for 10 years to June 30, 1996.

Mr. President, we do not have the option today of making a substantial one-time payment to the Los Alamos entities. The Department of Energy has been discussing possible land transfers and other arrangements with the county.

These arrangements will involve other Federal agencies and other local entities, and will require time and will probably require that legislation be enacted.

The Department of Energy also must negotiate a new contract with the University of California to run the laboratory in 1996, and there is a possibility that the Department of Energy will decide to compete that contract. The details of that contract could also affect the county and the school board significantly.

For those reasons, Senator DOMENICI and I are proposing to give these processes time to work and have the Congress revisit this issue late next year, or more likely in 1997, with specific Department of Energy proposals in hand.

The provision that we are offering has been worked out between the Department of Energy and the community leaders and has the support of both as an interim step toward a comprehensive solution within the next 2 years.

Mr. President, I understand this is acceptable to both the majority and the Democratic sides, and I urge support of the amendment.

Mr. THURMOND. Mr. President, we have no opposition to this amendment and are willing to accept it. As I understand, the amendment is offered not only by the distinguished Senator who is speaking, Senator BINGAMAN, but also Senator DOMENICI. They are both in favor of the amendment, and we are willing to accept it.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection the amendment is agreed to.

So the amendment (No. 2427) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2157

(Purpose: To require the Secretary of Defense to take such actions as are necessary to reduce the cost of renovation of the Pentagon Reservation to not more than \$1,118,000,000)

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending

amendment 2125 be temporarily laid aside so that I can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I call up for consideration amendment No. 2157.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. FEINGOLD, Mr. WELLSTONE, and Mr. LOTT, proposes an amendment numbered 2157:

The amendment is as follows:

On page 515, between lines 2 and 3, insert the following:

SEC. 2864. RENOVATION OF THE PENTAGON RESERVATION.

The Secretary of Defense shall take such action as is necessary to reduce the total cost of the renovation of the Pentagon Reservation to not more than \$1,118,000,000.

Mr. BINGAMAN. Mr. President, I offer this amendment on behalf of myself, Senator FEINGOLD, Senator WELLSTONE, and Senator LOTT. It is a very simple amendment. The amendment sets a new target for the total cost of renovation of the Pentagon over a multiyear period. The target that we set in here is \$1.118 billion. That is \$100 million less than the level previously set.

Mr. President, in 1990, Congress took the Pentagon out of the hands of the General Services Administration and put it in the hands of the Department of Defense. The reason was that the GSA was doing nothing to renovate the building, which was in disrepair, and was getting paid a lot more than maintenance costs. The 1990 law set the course for Pentagon renovation. Such renovation is desperately needed. There is no question about that. The building is over 50 years old. Its utilities are totally outmoded. Power outages are routine. Rats roam the basement. There is no question that we need to move ahead, and we are moving ahead.

In recent years, the Appropriations Committee has required the Secretary of Defense to certify that the total cost of Pentagon renovation will not exceed \$1.218 billion. Secretary Perry sent the last such certification to Senator BYRD on December 19, 1994.

In March of this year, Secretary Perry appointed a steering committee chaired by Dr. Kaminski to review plans for the Pentagon renovation and to make recommendations on options available for cost reductions, transition of personnel, and ultimate tenancy of the building.

It is my understanding that Deputy Secretary White has now taken over that committee. The March Pentagon news release says that—

This review will include a reexamination of all lower cost options. At a time when the Secretary has initiated efforts to improve housing for our soldiers, sailors, airmen, and marines, we need to do all we can to insure that dollars being spent for other infrastructure projects are not being taken away from the very high priority of improving the life-

style of our men and women in uniform. It is also prudent at this stage in the project to take a new look to insure that costs are being contained and that we won't end up with more money being spent than initially estimated.

Mr. President, my cosponsors and I agree with that statement from the Pentagon. We are spending \$161 million this year for Pentagon renovation. The Secretary is right that it is time to assess where we are. There is evidence that we can get a better price than the \$1.218 billion previously estimated for the renovation.

On page 33 of the annual status report on Pentagon renovation submitted March 1, 1995, it is noted that—

Favorable bids on the Basement Phase I renovation were received on August 10 of 1994. The contract was awarded August 30, 1994 to Hyman Construction Company for \$48,043,871. The original bid was about 36 percent below the Government estimate.

The amendment we are offering today gives the Pentagon steering committee a target to aim for in their cost reduction efforts, and I for one hope they can do even better than this target. When we are asking Americans in all walks of life to tighten their belts, the Pentagon can do its fair share at the renovation of its headquarters. That is what this amendment attempts to achieve.

Mr. President, as I understand the situation, the majority has agreed to this amendment, and on the Democratic side Senator GLENN has indicated opposition and a desire to speak to the amendment. + Until he comes and has that opportunity, I suggest the absence of a quorum.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. Does the Senator withhold his quorum call request?

Mr. BINGAMAN. Mr. President, I do withhold the quorum call request.

The PRESIDING OFFICER. Who yields time to the Senator from Colorado?

Mr. THURMOND. Mr. President, I will yield such time as the Senator requires.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I thank the distinguished chairman of the committee.

Mr. President, I will shortly offer an amendment with regard to Fitzsimons Army Hospital located just outside Denver, CO. I thought I would take advantage of the lull here for a moment and just share a few thoughts about Fitzsimons.

It is with some sadness that I offer an amendment with regard to Fitzsimons. This hospital is one that has played an important role in Colorado and in the Rocky Mountain region for many, many years.

It is on the Base Closure Commission's list of facilities to be closed. And thus the community has sought, on a rapid basis, to find another use for this facility. That will be the subject of the amendment that I will offer. But I wanted to share a few thoughts with

the Chamber also about Fitzsimons because it is an important facility for Colorado as well as the entire region.

It was built during World War I in response to a number of casualties that came in from the fronts in Europe and provided treatment for our military personnel. It is an area that I know well. The place where it is built is just east of the city of Denver and is an area where my grandfather fed cattle prior to and during World War I. It is a hospital that has long served the people of the Rocky Mountain region. It is where my great-grandfather passed away. He was a Civil War veteran and received treatment at that facility and then passed away prior to World War II, where my father took his enlistment physical just after Pearl Harbor in 1942. It is where I took my enlistment physical when I entered the Navy in 1962.

It is sad that it is closing. And I say that because our delegation was interested in saving money and has several times—

Mr. THURMOND addressed the Chair.

Mr. BROWN. Mr. President, I yield to the distinguished Senator from South Carolina.

Mr. THURMOND. On the question of time, how does the Senator want his time charged? Is he going to offer an amendment? Does he want time charged to himself?

Mr. BROWN. Yes, Mr. President.

Mr. THURMOND. Mr. President, is that clear now? The time he uses will be charged to him when he offers this amendment and not to the present amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. What is the pending business of the Senate?

The PRESIDING OFFICER. The pending question is amendment 2157 offered by the Senator from New Mexico.

Mr. BROWN. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may offer an amendment to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2428

(Purpose: To urge the Secretary of the Army to move expeditiously to lease the Fitzsimons Army Medical Center, Colorado, slated for closure 1995)

Mr. BROWN. Mr. President, I offer an amendment and send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 2428.

Mr. BROWN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . SENSE OF THE CONGRESS REGARDING FITZSIMONS ARMY MEDICAL CENTER, COLORADO.

(a) FINDINGS.—The Congress finds that—

(1) Fitzsimons Army Medical Center in Aurora, Colorado has been recommended for closure in 1995 under the Defense Base Closure and Realignment Act of 1990;

(2) The University of Colorado Health Sciences Center and the University of Colorado Hospital Authority are in urgent need of space to maintain their ability to deliver health care to meet the growing demand for their services;

(3) Reuse of the Fitzsimons facility at the earliest opportunity would provide significant benefit to the cities of Aurora and Denver; and

(4) Reuse of the Fitzsimons facility by the local community ensures that the property is fully utilized by providing a benefit to the community.

(b) SENSE OF CONGRESS.—Therefore, it is the sense of Congress that upon acceptance of the Base Closure list—

(1) The federal screening process for Fitzsimons Army Medical Center should be accomplished at the earliest opportunity;

(2) The Secretary of the Army should consider on an expedited basis transferring Fitzsimons Army Medical Center to the Local Redevelopment Authority while still operational to ensure continuity of use to all parties concerned;

(3) The Secretary should not enter into a lease with the Local Redevelopment Authority until he has established that the lease falls within the categorical exclusions established by the Department of the Army pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

(4) This section is in no way intended to circumvent the decisions of the 1995 BRAC;

(c) REPORT.—180 days after the enactment of this Act the Secretary of the Army shall provide a report to the appropriate committees of the Congress on the Fitzsimons Army Medical Center that covers—

(1) The results of the federal screening process for Fitzsimons and any actions that have been taken to expedite the review;

(2) Any impediments raised during the federal screening process to the transfer or lease of Fitzsimons Army Medical Center;

(3) Any actions taken by the Secretary of the Army to lease the Fitzsimons Army Medical Center to the local redevelopment authority;

(4) The results of any environmental reviews under the National Environmental Policy Act in which such a lease would fall into the categorical exclusions established by the Secretary of the Army; and

(5) The results of the environmental baseline survey and a finding of suitability or unsuitability.

Mr. BROWN. Mr. President, this amendment is one that we have worked with members of the Armed Services Committee to tailor. It is only a sense of the Senate, but it expresses a strong hope that this country will move quickly to develop another use for the Fitzsimons hospital.

Mr. President, I might point out that it was my wish we offer legislation on this bill to transfer the hospital so it could be immediately turned over to another beneficial use. Unfortunately, I am advised that it is the wish of the committee that we not proceed in that fashion. While that alternative use is desirable, both for the Federal Government and for the community, it is the wish of the committee to follow a procedure set forth in law.

The problem with doing so, Mr. President, is that a delay could cause the loss of this alternative use. Fitzsimons Medical Center is a vital and important part of our economy. It will be shut down. It will be closed. It is the thought of the community that it should be immediately put to new use. And, fortunately, the University of Colorado's Health Science Center happens at the moment to be looking for an alternative facility. It is a serendipitous circumstance that this reuse is available just at the time the facility is being shut down.

So, what we had hoped to have is an immediate authorization for it to be used by the University of Colorado Health Science Center. It could provide significant savings because you would not have the long delay and expense of the shutdown and the closedown. It could provide immediate and beneficial use of the facilities, saving not only the University of Colorado money but the Federal Government money as well.

Mr. President, that is not what this amendment does. I wish it did. What this amendment does is simply express the sense of Congress that this alternative has merit and ask for its prompt consideration. My hope is, though, that we will see the Pentagon act expeditiously in developing this as the alternative use. It is of enormous benefit to the community to have this facility reused as a medical center. It not only makes the best use of the facility, but it also helps the community by saving jobs, medical jobs, that had been at Fitzsimons. Many of them can be saved by this alternative use by the University of Colorado.

Mr. President, last, let me close with this thought. The delegation from Colorado did not come in as others have in some areas and said, "No, do not look at our facility. Do not consider us in trying to save money." We said, if closing down Fitzsimons makes sense, it ought to be done. But if it does not, if it is not the most cost-effective alternative to save money, then do not do it. And our delegation itself asked for studies to indicate whether or not it was economically feasible to keep it open.

The objective studies done by the Pentagon independently indicated it was cost effective to keep the facility open. It provides medical services for the entire region.

After that objective study was done, questions were again raised. We again asked for a second objective study. That second objective study came back. Again, it identified that it was cost effective to keep this facility open. Fitzsimons was one of those facilities kept open between World War I and World War II. It was kept open, I believe, because it services an entire region of the country in terms of health care for our veterans and for our service men and women. It was kept open between World War I and between World War II and kept open after World

War II and before Korea and kept open after Korea and before Vietnam and kept open after Vietnam.

When it was put on the closure list, we asked one thing of the Commission: to review the independent studies, and if they disagreed with those studies, tell us where they did disagree. Mr. President, they did not do that. All the objective studies that looked at Fitzsimons indicated it was responsible to keep it open and functioning. When the Base Closure Commission looked at it, they did not address those studies.

Mr. President, this is a mistake. It is a mistake to close the facility. It is not a cost-effective move on the part of the military. What is more, the Base Closure Commission has never addressed the independent studies and findings that showed it was cost effective.

Mr. President, I support the Base Closure Commission. I will vote for their report. But, Mr. President, I do not agree with all of their suggestions. It will be a sad day when this facility is closed. I am happy, though, to see that there is a positive, significant, alternative use for it. It has the broad support of the full delegation of Colorado and the broad support of the entire community. But, Mr. President, I continue to feel it is a mistake for the U.S. military to close a facility that is a most cost-effective alternative to health care needs that they are committed to supply.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we would like more time to look into this amendment. We cannot go undermining what the Base Closure Commission has done, but we would like to study this amendment further.

I ask unanimous consent that it be set aside and let us consider it further during the day.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent, since there is a lull on the floor, that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STOCKPILE STEWARDSHIP PROGRAM

Mr. REID. Mr. President, I first want to say, when I was in the House of Representatives, I supported the nuclear freeze. I also want to say initially, I think the problem in the world today is not nuclear testing, but nuclear weapons.

Having said that, I feel it is appropriate for me to comment on the most